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Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

May 28, 2008

08-07

TO: COUNTY CLERKS
COUNTY RECORDERS

SUBJECT: RULING BY THE CALIFORNIA SUPREME COURT REGARDING SAME-SEX MARRIAGES

Introduction

On May 15, 2008, the California Supreme Court ruled that statutes limiting marriage to opposite-sex couples are unconstitutional. (*In re Marriage Cases* [Six consolidated appeals], Case No. S147999.)

Pursuant to the California Supreme Court's decision in the Marriage Cases, and also pursuant to its decision in *Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055, local governments have a ministerial duty to comply with California's marriage laws in a manner consistent with the directions of the California Supreme Court.

In order to ensure uniformity throughout the state in complying with the California Supreme Court's directions, the State Office of Vital Records (OVR) issues the following instructions for all counties.

The California Rules of Court provide that the California Supreme Court has until the close of business on June 16, 2008, to issue an order for rehearing. Effective June 17, 2008, County Clerks are authorized to begin using the enclosed new marriage license forms for all Public licenses, Confidential licenses, Denominations not Having Clergy licenses, and Declaration of Marriage licenses. The Affidavit to Amend a Marriage Form (VS 24C) has also been revised and is enclosed. Effective June 17, 2008, only the enclosed new forms may be used for the issuance of marriage licenses in California.

A Registered Domestic Partnership (RDP) need not be dissolved prior to the issuance of a marriage license if the parties to the RDP and the parties to the marriage are identical.

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**Revised
Marriage
License
Forms**

Based on Health & Safety Code Section 102200, the OVR has approved the enclosed marriage license forms. These forms were developed in conjunction with input from the County Clerks and County Recorder Associations.

The OVR will send all County Clerk offices a supply of the new paper marriage certificates for use beginning June 17, 2008. If the paper form is being used, the personal data for the applicants must be typed.

**Electronic
Forms
Approval
Process**

OVR approval to electronically produce these marriage forms must be obtained individually by each participating county. Any county that does not obtain approval to electronically produce the new forms must issue marriage licenses on paper forms provided by the State until approval is obtained.

Please find enclosed copies of the new marriage forms and the Protocol for submitting electronic marriage forms for approval.

**Transmittal
form**

The enclosed transmittal form should be used when forwarding electronically produced forms to the state office for approval. The electronically produced forms should be forwarded to the attention of the appropriate Policy Analyst.

**Updated
Handbook
Pages**

Revised pages to the Marriage Handbook will follow at a later date.

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SEX MARRIAGES

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Questions

If you have any questions regarding this matter, please contact your
Policy/County Analyst.

Original signed by Linette Scott:

Janet McKee
Deputy State Registrar and
Chief, Office of Vital Records

Enclosures

Protocol for Submitting Electronic Marriage Forms for Approval

Health and Safety Code Section 102200. Record Forms. The State Registrar shall prescribe and furnish all record forms for use in carrying out the purposes of this part, or shall prescribe the format, quality, and content of forms electronically produced in each county, and no record forms or formats other than those prescribed shall be used.

Pursuant to Health and Safety Code Section 102200, the only forms that may be electronically produced and used to license a marriage in California are State approved marriage license forms. Copies of the approved marriage license forms were revised pursuant to the California Supreme Court Ruling on May 15, 2008. Please take the following steps to proceed with approval to electronically produce the current forms:

PAPER SPECIFICATIONS

1. All marriage forms must be printed on white 28-pound ledger stock. The forms must be on acid-free archival paper.
2. Paper size is 8 ½" x 11".
3. Counties approved to produce forms electronically shall purchase the required paper stock identified above and distribute their own paper supplies.

FONTS AND DATA ELEMENTS

1. The size and type of fonts used must be in compliance with specifications set forth by the Office of Vital Records. Five to twelve point Arial fonts, as used on the enclosed forms, are required for the new marriage forms (Rev. 6/08).
2. Strict adherence to the position layout of the data elements on the OVR forms is required.

SUBMISSION TO OVR FOR APPROVAL

1. After electronic systems have been programmed to print the new marriage forms, you must submit the attached transmittal sheet to OVR requesting State approval to electronically produce the new forms. With this letter you must submit five blank copies and five completed copies (data filled) of each marriage certificate you plan to electronically produce. Also needed are copies of the Privacy Notification and Instructions and Information sections that are on the backs of the certificates. This information may be provided for review by printing it on the backs of the appropriate certificates or on separate sheets of paper. Each county is responsible for ensuring that the certificate forms submitted for review have undergone inspection and quality control to

ensure that they are as nearly identical to the State forms as possible prior to submission.

2. OVR will review your marriage forms and, if acceptable, will grant authorization for your county to electronically produce the new forms.
3. If your marriage forms are not acceptable, OVR will advise of the changes that are needed to make them acceptable. OVR will also request five copies of the corrected certificate(s) both data filled and blank, and those sections on the back (Privacy Notification and Instruction Section) that require a change. Once your forms are acceptable, OVR will respond as stated above in Item 2.

Please be aware that OVR will approve each county individually, rather than providing blanket approval for a vendor. It is the County's responsibility to work with their vendor to ensure that each form generated by the county is acceptable to OVR.

Transmittal Form for Electronically Produced Marriage Forms

To: Office of Vital Records – MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

Attention: _____
Policy Analyst

Approval is requested to electronically produce the following type of marriage certificate(s):

- ☐ License and Certificate of Marriage (VS 117)
- ☐ Confidential License and Certificate of Marriage (VS 123)
- ☐ License and Certificate of Declaration of Marriage (VS 116)
- ☐ License and Certificate of Marriage for Denominations Not Having Clergy (VS 115)
- ☐ Affidavit to Amend a Marriage Certificate (VS 24C)

The attached marriage certificates have been electronically produced by:

(System Vendor)

I hereby certify that I have reviewed the certificate(s) for accuracy and it/they is/are an exact replica of the state issued form:

(Certifier's Name)

(Agency Name)

(Mailing Address)

(City, State, Zip Code)

(Telephone Number)

Attached are five blank copies of each type of marriage certificate and five completed copies (data filled) for each type of marriage certificate being requested for approval.